

REMARKS

Claims 1-20 are pending in the present case. Claims 1, 9, 16 are amended herein. No new matter has been added by amendments made herein.

Double Patenting Rejection

Claims 1-20 are provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-25 of co-pending Application No. 09/863,706 in view of Depew et al. (US Patent No. 6,215,476). The Claims 1-20 in the instant application delimit a single piece cover enclosure that “is disposed over and encloses the top and fully covers both sides of said touch screen assembly.” These elements of Applicants’ Claims are not addressed in the outstanding Office Action. Accordingly, a cover enclosure formed as is recited in the Claims along with the recited digitizer (as is admitted in the outstanding Office Action) is not claimed in Application No. 09/0863,706. It is important to note that the aforementioned limitations are representative of the substantial differences that exist between the inventions set forth by the alleged conflicting claim sets.

Applicants respectfully submit that the Depew et al. reference does not remedy the deficiencies of the cited Claims of Application No. 09/863,706. As such, all of the limitations that are recited in the Claims of the instant application are not covered by the combination of Claims 1-25 of co-pending Application No. 09/863,706 and Depew. Consequently, Claims 1-20 of the instant application are not properly rejected based on the aforementioned combination. Accordingly, Applicants respectfully request that the non-statutory obviousness type double patenting rejection of these Claims be withdrawn.

103 Rejection

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants' prior art Figure 1 in view of Takahata et al. (US Patent No. 6,556,189). The Applicants have reviewed the cited references and respectfully submit that the embodiments of the present invention as are recited in Claims 1-20 are neither shown nor suggested by Applicants' prior art Figure 1 in view of Takahata et al.

The Examiner is respectfully directed to independent Claim 1 which is drawn to a display assembly for a portable electronic device. Claim 1 is reproduced below in its entirety for the convenience of the Examiner:

1. An integrated enclosure/touch screen assembly comprising:
 - a display mechanism;
 - a digitizer mechanism comprising a top film and a digitizing element; and
 - a single piece cover enclosure for said touch screen assembly that is disposed over and encloses the top and fully covers both sides of said touch screen assembly and that is coupled to said top film to operate therewith as a single physical layer to allow mechanical transfer between said single piece cover and said digitizer mechanism, wherein said digitizing element can be activated by mechanical pressure applied to the external surface of said single piece cover enclosure, and wherein a single piece cover enclosure forms a seal to protect said digitizer mechanism.

Independent Claims 9 and 16 recite distinguishing limitations similar to those recited in Claim 1. Claims 2-8 depend from independent Claim 1, Claims 10-15 depend from independent Claim 9, and Claims 17-20 depend from independent Claim 16 and set forth additional limitations of embodiments of the present invention.

The cited combination fails to anticipate or render obvious the embodiments of Applicants' invention as are set forth in Claims 1, 9 and 16 as each of the references employed in the cited combination fails to teach or suggest limitations that are set forth in these Claims. More specifically, the base reference Applicants' prior art Figure 1, does not teach or suggest limitations recited in the claims and the secondary reference Takahata et al. does not remedy the deficiencies of Applicants' prior art Figure 1.

In particular, the base reference, Applicants' prior art Figure 1, does not teach or suggest an integrated enclosure touch screen assembly that includes "a single piece cover enclosure for said touch screen assembly that is disposed over and encloses the top and fully covers both sides of said touch screen assembly and that is coupled to said top film to operate therewith as a single physical layer to allow mechanical transfer between said single piece cover and said digitizer mechanism" as is set forth in Claim 1 (Claims 9 and 16 contain similar limitations). In contrast, Applicants' prior art Figure 1 shows a dissimilar touch screen assembly that clearly does not include a single piece cover enclosure that is disposed over and encloses the top and both sides of the touch screen assembly and the top film of the digitizer mechanism.

Referring to Applicants' Figure 1, the outermost protective film 110 which is equated in the outstanding Office Action to the recited single piece cover enclosure, does not enclose the top and fully cover both sides of the touch screen assembly shown in Figure 1. In fact, protective film 110 is limited to the area located directly above the

illustrated digitizer mechanism (see Figure 1). Accordingly, Applicants' Figure 1 fails to teach or suggest the above noted limitations.

Takahata et al. does not teach or suggest a modification of Applicants' prior art Figure 1 that would remedy the deficiencies of Applicants' prior art Figure 1 outlined above. More specifically, Takahata et al. does not teach or suggest an integrated enclosure touch screen assembly that includes "a single piece cover enclosure for said touch screen assembly that is disposed over and encloses the top and fully covers both sides of said touch screen assembly and said top film of said digitizer mechanism and is coupled to said top film to operate therewith as a single physical layer and to allow mechanical transfer between said single piece cover enclosure and said digitizer mechanism" as is recited in Claim 1 (Claims 9 and 16 contain similar limitations).

Takahata et al. teaches a dissimilar touch panel device (see abstract). It should be noted that structure 43 of Takahata et al. is equated to the single piece cover enclosure of Claim 1 in the outstanding Office Action. However, as is discussed in Takahata et al. with reference to Figure 9, structure 43 is a bag that is very different from the single piece cover enclosure of Applicants' Claims. Structure 43 contains a liquid disposed between the aforementioned bag and touch panel device and thus cannot act as a single physical layer that allows mechanical transfer between the bag and the touch panel device and its components as is required to meet the above discussed limitations of Applicants' Claims. As such, structure 43 of Takahata et al. cannot reasonably be equated with the single piece cover enclosure recited in Applicants' Claims. Consequently, as the aforementioned

limitations of Applicants' Claims are not met, the prima facie case for obviousness made in the Outstanding Office Action is deficient.

Applicants respectfully submit, based on a review of the Takahata et al. reference, that nowhere therein is the above mentioned limitations of Applicants' Claims taught or suggested. Consequently, the embodiments of the Applicants' invention as are set forth in Claims 1, 9 and 16 are not anticipated or rendered obvious by Applicants' prior art Figure 1 and Takahata et al. either alone or in combination.

Dependent claims such as Claim 8 provide additional examples of non-obviousness. More specifically, as it regards Claim 8, Applicants respectfully submit that nowhere in Applicants' prior art Figure 1 and Takahata et al. is an integrated enclosure/touch screen assembly that includes the above discussed limitation of Claim 1 (Claims 9 and 16 recite similar limitations) and further includes the limitation "wherein said single piece cover enclosure for said display mechanism and said digitizer mechanism is constructed with a flat outer top surface free of any indentation" as is set forth in Claim 8 taught or suggested.

Therefore, Applicants respectfully submit that Applicants' prior art Figure 1 and Takahata et al., either alone or in combination, do not teach or suggest the embodiments of Applicants' invention as are set forth in Claims 1, 9, and 16 and, as such, Claims 1, 9, and 16 are not properly rejected based on these references under 35 U.S.C. §103, and are in condition for allowance. Accordingly, Applicants respectfully submit that Claims 2-8 dependent on Claim 1, Claims 10-15 dependent on Claim 9, and Claim 17-20 dependent

on Claim 16 likewise are not properly rejected under 35 U.S.C. §103 based on the cited references, and that these Claims are likewise in condition for allowance as being dependent on an allowable base claim.

SUMMARY

In view of the foregoing amendments and remarks, Applicants respectfully submit that the pending claims are in condition for allowance. Applicants respectfully request reconsideration of the Application and allowance of the pending Claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Reginald A. Ratliff at (408) 938-9060.

Respectfully submitted,

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